

**86C01-2101-CT-000016**

Warren Circuit Court

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Clerk

Warren County, Indiana

STATE OF INDIANA        )  
                                      ) SS:  
COUNTY OF WARREN    )        CAUSE NO.

SHEMIAH HOWARD

VS.

MARCOS A. JIMENEZ SANANA  
and NEW PRIME, INC.

### **COMPLAINT FOR DAMAGES**

Comes now the Plaintiff, Shemiah Howard, by counsel, Ryan D. Etter of Ken Nunn Law Office, and for her cause of action against the Defendants, Marcos A. Jimenez Sanana and New Prime, Inc., alleges and states as follows:

### **STATEMENT AND JURISDICTION**

1. This is a clear liability collision in which Defendants' 2019 Peterbilt tractor and attached trailer was negligently driven by Marcos A. Jimenez Sanana, causing a collision with the vehicle driven by Plaintiff, Shemiah Howard. As a result of the collision, Plaintiff has incurred medical expenses, lost wages, property damage including, but not limited to, diminished value, and other special expenses in an amount to be proven at trial of this cause.

2. Jurisdiction and venue are appropriate in Warren County, Indiana, as said collision occurred within the boundaries of Warren County, State of Indiana.

### **FIRST CAUSE OF ACTION**

#### **NEGLIGENCE OF MARCOS A. JIMENEZ SANANA**

3. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 2 above as if fully restated verbatim.

4. On or about November 6, 2020, Defendant Marcos A. Jimenez Sanana negligently drove a tractor-trailer striking the vehicle driven by Plaintiff, Shemiah Howard.

5. Defendant Marcos A. Jimenez Sanana had a duty to operate his tractor trailer in a safe and reasonable manner.

6. Defendant Marcos A. Jimenez Sanana failed in the above mentioned duties and is therefore negligent.

7. Defendant Marcos A. Jimenez Sanana's negligence was the direct and proximate cause of Plaintiff's injuries.

8. Plaintiff Shemiah Howard's injuries and damages are permanent.

9. As a direct and proximate result of Marcos A. Jimenez Sanana's negligence, Shemiah Howard has suffered lost wages.

10. Plaintiff, Shemiah Howard, has incurred medical bills for the treatment of her injuries directly resulting from this collision.

11. As a direct and proximate result of Marcos A. Jimenez Sanana's negligence, Shemiah Howard has experienced physical and mental pain and suffering, lost wages, property damage including, but not limited to, diminished value, and has lost the ability to perform usual activities, resulting in a diminished quality of life.

## **SECOND CAUSE OF ACTION**

### **NEGLIGENCE PER SE OF MARCOS A. JIMENEZ SANANA**

12. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 11 above as if fully restated verbatim.

13. Marcos A. Jimenez Sanana violated state and federal statutes and regulations including but not limited to Title 9 of the Indiana Code.

14. Defendant Marcos A. Jimenez Sanana's statutory violations directly and proximately caused Plaintiff's damages and injuries.

15. Defendant Marcos A. Jimenez Sanana is negligent per se based on these statutory and regulatory violations.

## **THIRD CAUSE OF ACTION**

### **RESPONDEAT SUPERIOR OF NEW PRIME, INC.**

16. Plaintiff realleges and incorporates herein by reference paragraphs 1

through 15 above as if fully restated verbatim.

17. Defendant Marcos A. Jimenez Sanana was the employee, agent, servant, or independent contractor for New Prime, Inc. Accordingly, New Prime, Inc. is vicariously liable for the acts of Defendant Marcos A. Jimenez Sanana for the causes of action above.

WHEREFORE, the Plaintiff, Shemiah Howard, by counsel Ryan D. Etter of Ken Nunn Law Office, demands judgment against the Defendants, Marcos A. Jimenez Sanana and New Prime, Inc. for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, lost wages, property damage and other special expenses, court costs and all other just and proper relief in the premises.

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**REQUEST FOR TRIAL BY JURY**

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

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